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Case No. 23-22201-shl

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

**NOTICE OF MOTION
FOR EXTENSION OF
TIME TO FILE
OBJECTIONS TO
DISCHARGE**

-----X
In Re:

DARRYL LEE ADLER,

Chapter 7

Debtor,
-----X

PLEASE TAKE NOTICE, that upon the application of ST. BARNABAS HOSPITAL, judgment creditor, the undersigned will move this Court before the Honorable Sean H. Lane, United States Bankruptcy Judge, for an Order extending the time to object to Debtor's discharge one hundred twenty (120) days to October 10, 2023, in the Chambers at the United States Bankruptcy Court, 300 Quarropas St., White Plains, New York 10601-4140 on the 14th day of June 2023 at 10:00 a.m., as soon thereafter as counsel can be heard.

PLEASE TAKE FURTHER NOTICE, that objections, if any, to the proposed Order attached as Exhibit "A" must be in writing, filed with the Court, and served on the undersigned counsel and filed so as to be received no later than June 7, 2023 @ 5:00 p.m.

Dated: New York, New York
June 2, 2023

SCHIAVETTI, CORGAN, DiEDWARDS,
WEINBERG & NICHOLSON, LLP

By: Kurt Weinmann

Kurt Weinmann

Attorneys for Defendants

ST. BARNABAS HOSPITAL, Creditor

Office & Post Office Address

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U.S. TRUSTEE
OFFICE OF THE UNITED STATES TRUSTEE
Alexander Hamilton Custom House
One Bowling Green, Room 534
New York, New York 10004-1408

EXHIBIT A – PROPOSED ORDER

SCHIAVETTI, CORGAN, DiEDWARDS,
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In Re:

Case No. 23-22201-shl

DARRYL LEE ADLER,

Chapter 7

Debtor,

-----X

**ORDER EXTENDING TIME TO OBJECT TO DEBTOR'S
DISCHARGE OR TO MOVE TO DISMISS THE CASE**

ST. BARNABAS HOSPITAL, having made an Application or notice to the parties in interest seeking an Order extending the time to object to the Debtor's discharge, or to move to dismiss this case, and the same having come on for hearing on June 14, 2023; and it

APPEARING that good and sufficient notice of the Application and the Hearing was provided to the Debtor, and other parties in interest; and it

FURTHER APPEARING, after considering the Debtor's objection to the Application, that good cause exists for an extension of time to object to the Debtor's discharge, or move to dismiss this case; it is

ORDERED, that the Application is granted; and it is further

ORDERED, that the time within which a complaint may be filed objecting to the discharge of the Debtor pursuant to 11 U.S.C. Section 727 or to move to dismiss this case pursuant to 11 U.S.C. Section 7-707(b) is extended to and including October 10, 2023, without prejudice to seek and obtain a further extension of such time for cause shown.

Dated:

HON. SEAN H. LANE
United States Bankruptcy Judge

SCHIAVETTI, CORGAN, DiEDWARDS,
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Case No. 23-22201-shl

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

AFFIRMATION

-----X Chapter 7
In Re:

DARRYL LEE ADLER,

Debtor,

-----X

ST. BARNABAS HOSPITAL, Creditor, submits this application for an Order to extend time to object to Debtor's discharge or move to dismiss the case.

1. St. Barnabas Hospital is a defendant in the underlying medical malpractice action entitled *Keimoneia Redish v. Darryl Adler, Carmen Taype Roberts, The Estate of Ronald L. Ciubotaru by the Public Administrator of Westchester County, R. Stumacher, R. Bandagorla, St. Barnabas Hospital and Abdurhyam Ahmed*, (Supreme Court, Bronx County, Index No. 310294/2011). In that action, Justice Joseph Capella issued a judgment dated January 17, 2020 granting the application of St. Barnabas Hospital for a judgment against Darryl Adler, the Estate of Ronald L. Ciubotaru by the Public Administrator of Westchester County, and R. Stumacher on the doctrine of vicarious liability. By Order and Decision dated June 3, 2021, the Appellate Division for the First Department modified the judgment, and held, among other things, that St. Barnabas

Hospital was entitled to common law indemnification from the above co-defendant physicians.

2. Creditor/plaintiff in the underlying medical malpractice action Keimoneia Redish has filed a motion to extend time to object to the debtor Darryl Lee Adler's discharge in bankruptcy. As explained in their application, the deadline for filing objections to discharge is presently June 12, 2023. However, it is not possible to resolve many issues regarding the debtor's claimed exempt expenses and exempt property as well as the potential asset of a bad faith action against his insurance company. This has all been explained in the application made by counsel for Redish. As St. Barnabas Hospital is in the same position as Redish in this regard, we fully support and incorporate by reference the background and arguments set forth in Redish's application.

WHEREFORE, creditor ST. BARNABAS HOSPITAL, by its attorneys SCHIAVETI, CORGAN, DIEDWARDS, WEINBERG & NICHOLSON, LLP, respectfully requests entry of an Order extending the time within which the creditor, trustee, and the United States Trustee may file complaints objecting to the discharge of the debtor pursuant to Section 727(a) of the Bankruptcy Code or to move to dismiss the Bankruptcy case pursuant to Section 707(b) of the Bankruptcy Code to and including October 10, 2023, in granting creditor St. Barnabas Hospital such other and further and relief as to the Court may deem just and proper.

Dated: New York, New York
June 2, 2023

SCHIAVETTI, CORGAN, DIEDWARDS,
WEINBERG & NICHOLSON, LLP

Kurt Weinmann

KURT LEE WEINMANN

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